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# Appendix B

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\* \* \* COMMUNICATION RESULT REPORT ( OCT. 10, 2006 2: GBPM ) \* \* \*

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# ZILKA-KOTAB

100 PARK CENTER PLAZA, SUITE 300 SAN JOSE, CA 95113

TELEPHONE (408) 971-2573 FAX (408) 971-4660

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Docket No.:

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App. No: 09/963,659

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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Iran Teblyashkin et al.

Application No.: 09/963:659 Group No.: 2137

Filed: 09/27/2001 Examiner: Schubert, K.

For COMPUTER VIRUS DELECTION

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# PETITION TO WITHDRAW HOLDING OF ABANDONMENT — under 37 CFR § 1.181(a)

- I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Issue Fee and Publication Fee were timely filed in the above-identified application.
- I hereby state;
  - (a) The payment of the Issue Fee and the Publication Fee were authorized to be charged to our deposit account on June 28, 2006 as shown on the Part B- Fee(s) Transmittal.

### CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Petition to Withdraw Holding of Abandonment spage 1 of 2.

- 3. Lattach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4n, and the Director was authorized to charge the required fee(s) to our deposit account in section 4h. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
- A copy of the Notice of Abandonment is also enclosed.
- 5. In consideration of these submissions, it is respectfully requested that the holding of abandomment be withdrawn.
- 6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 80-1351 (Order No. NATIP-160).

Please charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

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Signature of Practitioner

Kevin Zilka Zilka-Kotab, PC P.O. Box 721120

San Jose, CA 95172-1120

USA



#### Practitioner's Docket No. NAHP460/01.045.01

PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of: Ivan Teblyashkin et al.

Application No.: 09/963,659

Eiled: 09/27/2001

Group No.: 2137

Examiner Schubert, K.

for COMPUTER VIRUS DETECTION

Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

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- 2. Thereby state:
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#### CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

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Petition to Withdraw Holding of Absorbannent space 1 of 2

- 3. Lattach a copy of the Issue Fee Payment Transmittal showing that the fees in question were enclosed in section 4a, and the Director was authorized to charge the required fee(s) to our deposit account in section 4b. The Issue Fee Transmittal was submitted in duplicate for billing purposes.
- A copy of the Notice of Abandonment is also enclosed.
- 5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
- 6. We believe no fee is due in connection with the filing of this petition. However, should such a fee be deemed necessary, authorization is hereby made to charge the amount required for this petition to Deposit Account No. 50-1351 (Order No. NAI1P460).

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Signature of Practitioner

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San Jose, CA 95172-1120

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TITLE OF INVENTION: COMPUTER VIRUS DETECTION

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Assignee Name and residence data to be printed on the patent (print or type)  PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been for mendation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing as assignment.  (A) NAME OF ASSIGNEE  (B) RESIDENCE: (CITY and STATE OR COUNTRY)  MCAIDE, Inc.  Santa Clara, California  Please check the appropriate assignee category or categories (will not be printed on the patent): U individual Comporation or other private group entity. U Governance of the feels) are enclosed:  At Payment of Fee(s):  I issue Fee  A check in the amount of the fee(s) is enclosed.  Publication Fee (No small entity discount permitted)  Advance Order - # of Copies  Change in Entity Status (from status indicated above)  Cardin Re. NALLENTITY status. See 37 CFR 1.27  The Director of the USPTO is requested to apply the issue Fee and Publication Fee (if required) will not a assignment for the status of the United Status Patent and Trademark Office.  Authorized Signature	Change of corresponde Address form PTO/SB/12: Change of corresponde Tree Address indicate PTO/SB/47; Rev (3)-02 or	ince address (or Change of ( 2) attached	Correspondence	(1) the nam or agents () (2) the nam registered to 2 registeres	nes of up to 3 registered p IR, sliematively, se of a single firm (having storney or agent) and the r tostent attorneys or accepts	stest attorneys	, Christon	oher J. Hamaty
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MCAIGO, Inc.  Santa Clara, California  Pease check the appropriate assignee category or estegories (will not be printed on the patent):  Individual Comporation or other private group entity Corporation Corporat	PLEASE NOTE: Unless a recondition as set forth in 3	m assignee is identified bel 37 CFK 3.11. Completion of	ow, no assignee of this form is NOT	data will sppe La substitute f	at on the patent. If an ass of filing so assignment.	ignee is identi	fied below, the de	xument has been filed for
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he Director of the USPTO is requested to apply the base Fee and Publishing Fee (if any) or to re-amply any previously paid issue fee to the application identified above.  SUTE: The Issue Fee and Publication Fee (if required) will not be applied from anyone other than the applicant; a registered atturney or agent; or the assignee or other patterns as shown by the records of the United States Patent and Transmirra Office.	Change in Entity Status (fi	rom sistus indicated above)			Orden	No. NAMPA	60	***************************************
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Typed or printed name Kevin J. Zijka Registration No. 41,429	Typed or printed name	Kevin J. Zijka			- Sections	41,4	29	

This education is required by JT CFR 1311. The information is required to obtain or retain a benefit by the public which is to life (and by the USPTO to process) an application. Confidentiality is generated by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and this form antifer suggestions for reducing this burden, should be sent to the Clief Information Officer, U.S. Pstent and Tradernark Office, U.S. Department of Computers, P.O. Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22311-1450.

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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Notice of Abando	mania a a a a	09/963,659	
Or Abando	ninent	Examiner	TEBLYASHKIN Art Upit
		SHUBERT	
The MAILING DATE of th	is communication a	DDears on the rover chart	2137 with the correspondence address
This application is abandoned in view of	<b>t</b>	are and an ore cover disper h	nun me correspondence address
Applicant's failure to timely file a p     (a)    A reply was received on     period for reply (including a tot      (b)    A proposed reply was received.	_ (with a Certificate c	f Mailing or Transmission date	ed), which is after the expiration of the
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	7. 10 to a mai rejec Nance: (2) a timel√ fi	ion consists only of: (1) a time	variate 37 CFR 1.113 (a) to the final rejection, ly filed amendment which places the eal fee); or (3) a timely filed Request for
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(d) No reply has been received.	white mere is a six book	c evhanging it nox \ psigm):	
(a) The issue fee and publication	fee if applicable w	ac exactions as the	e, within the statutory period of three months Certificate of Mailing or Transmission dated e fee (and publication fee) set in the Notice of
(b) ☑ The submitted fee of \$300 is in	sufficient. A balance	of \$1400 is dos	
The issue fee required by 37	CFR 1.18 is \$1400.	The publication fee, if required	Chiv 27 Opp Faritalis, Anna
(c) The issue fee and publication for	e, if applicable, has	not been received.	by 31 CFN 1.10(a), is \$500.
3. Applicant's failure to timely file corn Allowability (PTO-37).			-month period set in, the Notice of
(a) Proposed corrected drawings water the expiration of the period	ere received on for reply.	(with a Certificate of Mailing	or Transmission dated), which is
(b) No corrected drawings have be	en received.		
The letter of express abandonment the applicants.	which is signed by t	he altomey or agent of record,	the assignee of the entire interest, or all of
<ol> <li>The letter of express abandonment</li> <li>1.34(a)) upon the filing of a continu</li> </ol>	which is signed by a ing application.	in attorney or agent (acting in	a representative capacity under 37 CFR
<ol> <li>The decision by the Board of Pater of the decision has expired and the</li> </ol>	t Appeals and Interfere are no allowed cla	erence rendered onand lims	because the period for seeking court review
7. The reason(s) below:			
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minimize any negative effects on patent term.	c), or requests to with:	raw the holding of abandonment u	nder 37 CFR 1,181, should be promptly filed to
S. Patent and Tradement Office TOL-1432 (Rev. 04-01)	Notice	of Abandonment	Part of Paner No. 6

# Att. ament to Notice of Abandon..ient

# For questions concerning the notice contact Office of Patent Publication Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site: http://www.uspio.gov/web/patents/pubs/abandonnotice.html

# Respond to the Notice of Abandonment by one of the following:

### 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 By facsimile: 571-273-8300

### 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows: By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

By facsimile: 571-273-8300

# 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Pention For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unimentionally Under 37 CFR 1.137(b), "PTO/SB/64, are available in the forms section of the USPTO website: http://www.uspto.gov.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1459, Alexandria, VA 22313-1459

By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment